

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ACQIS LLC,

Plaintiff,

v.

DELL INC.; INTERNATIONAL BUSINESS
MACHINES CORP.; and ORACLE
AMERICA, INC.

Defendants.

Case No. 6:09-00148-LED
Jury Trial Demanded

**DECLARATION OF ORION ARMON IN SUPPORT OF
ACQIS'S MOTION FOR SUMMARY JUDGMENT ON IBM'S AND ORACLE
AMERICA'S AFFIRMATIVE DEFENSES**

I, Orion Armon, declare as follows:

1. I am an attorney duly licensed to practice law in the State of Colorado and am a member of the bar of this Court. I am an attorney with Cooley LLP, counsel for Plaintiff ACQIS LLC. I have knowledge of the following and, if called as a witness, could and would testify competently to the contents of this declaration.

2. Attached as Exhibit 1 is a true and correct copy of US Patent No. 6,718,415, dated April 6, 2004.

3. Attached as Exhibit 2 is a true and correct copy of US Patent No. 7,099,981, dated August 29, 2006.

4. Attached as Exhibit 3 is a true and correct copy of US Patent No. 7,146,446, dated December 5, 2006.

5. Attached as Exhibit 4 is a true and correct copy of US Patent No. 7,328,297, dated February 5, 2008.

6. Attached as Exhibit 5 is a true and correct copy of US Patent No. 7,363,415, dated April 22, 2008.

7. Attached as Exhibit 6 is a true and correct copy of US Patent No. 7,363,416 dated April 22, 2008.

8. Attached as Exhibit 7 is a true and correct copy of US Patent No. 7,376,779 dated May 20, 2008.

9. Attached as Exhibit 8 is a true and correct copy of ACQIS LLC's Complaint for Patent Infringement, filed April 2, 2009.

10. Attached as Exhibit 9 is a true and correct copy of Defendant Oracle America, Inc.'s Second Amended Answer and Counterclaims to ACQIS LLC's Second Amended Complaint for Patent Infringement, filed November 19, 2010.

11. Attached as Exhibit 10 is a true and correct copy of Defendant International Business Machines Corp.'s Answer to Second Amended Complaint, Affirmative Defenses, and Counterclaims, filed August 8, 2009.

12. Attached as Exhibit 11 is a true and correct copy of the Disclosure of Plaintiff's Reduced List of Asserted Claims, dated July 30, 2010.

13. Attached as Exhibit 12 is a true and correct copy of Plaintiff's Second Set of Common Interrogatories (Nos. 5-8), dated April 1, 2010.

14. Attached as Exhibit 13 is a true and correct copy of IBM's Second Further Objections and Responses to Plaintiff's Common Interrogatories No. 8, dated September 13, 2010. **(FILED UNDER SEAL)**

15. Attached as Exhibit 14 is a true and correct copy of Defendant Oracle America, Inc.'s First Supplemental Responses and Objections to Plaintiff ACQIS LLC's Second Set of Common Interrogatories (No. 8), dated September 15, 2010. **(FILED UNDER SEAL)**

16. Attached as Exhibit 15 is a true and correct copy of Defendant Oracle America, Inc.'s Second Amended Answer and Counterclaims to ACQIS LLC's Second Amended Complaint for Patent Infringement, filed November 19, 2010.

17. Attached as Exhibit 16 is a true and correct copy of selected pages from the deposition of William W.Y. Chu, dated June 7, 2010. **(FILED UNDER SEAL)**

18. Attached as Exhibit 17 is a true and correct copy of selected pages from the deposition of William W.Y. Chu, dated June 8, 2010. **(FILED UNDER SEAL)**

19. Attached as Exhibit 18 is a true and correct copy of selected pages from the deposition of Douglas Gordon DeVivo, dated August 24, 2010. **(FILED UNDER SEAL)**

20. Attached as Exhibit 19 is a true and correct copy of a document bearing Bates number ACQIS0014780. **(FILED UNDER SEAL)**

21. Attached as Exhibit 20 is a true and correct copy of a document bearing Bates number ACQIS0014781. **(FILED UNDER SEAL)**

22. Attached as Exhibit 21 is a true and correct copy of a document bearing Bates number ACQIS0014782.

23. Attached as Exhibit 22 is a true and correct copy of a document bearing Bates numbers ACQIS0017109 – ACQIS0017110.

24. Attached as Exhibit 23 is a true and correct copy of selected pages from the deposition of Mark Elgood, dated July 27, 2010. **(FILED UNDER SEAL)**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3rd day of December, 2010, at Broomfield, Colorado.

Respectfully submitted,

/s/ Orion Armon

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this **DECLARATION OF ORION ARMON IN SUPPORT OF ACQIS'S MOTION FOR SUMMARY JUDGMENT ON IBM'S AND ORACLE AMERICA'S AFFIRMATIVE DEFENSES** was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile and/or U.S. First Class Mail on December 3, 2010.

/s/ Orion Armon

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